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11 UNITED STATES DISTRICT COURT
12 DISTRICT OF NEVADA

13 CHANDAN MANANSINGH, et al.,

14 Plaintiffs,

15 v.

16 UNITED STATES OF AMERICA, et
17 al.

18 Defendants.

Case No. 2:20-cv-01139 DWM

STIPULATED PROTECTIVE ORDER

1 Pursuant to Federal Rule of Civil Procedure 26(c)(1), in order to protect the
2 confidentiality of confidential information obtained and produced by the parties in
3 connection with this case, the parties hereby agree as follows:

4 1. Any party or non-party may designate as “confidential” (by stamping the
5 relevant page or otherwise as set forth herein) any document or response to discovery
6 which that party or non-party considers in good faith to contain confidential information,
7 subject to protection under the Federal Rules of Civil Procedure, or state or federal law
8 (“Confidential Information”). Where a document or response consists of more than one
9 page, the first page and each page on which confidential information appears shall be so
10 designated. This protective order shall also constitute an authorizing order of a court of
11 competent jurisdiction under 5 U.S.C. § 552a(b)(11) (part of the Privacy Act).

12 2. A party or non-party may designate information disclosed during a
13 deposition or in response to written discovery as “confidential” by so indicating in said
14 response or a party or non-party may designate in writing, within twenty (20) days after
15 receipt of said responses or of the deposition transcript for which the designation is
16 proposed, that specific pages of the transcript and/or specific responses be treated as
17 “confidential” information. Any other party may object to such proposal, in writing or on
18 the record. Upon such objection, the parties shall follow the procedures described in
19 paragraph 8 below. After any designation made according to the procedure set forth in
20 this paragraph, the designated documents or information shall be treated according to the
21 designation until the matter is resolved according to the procedures described in
22 paragraph 8 below, and counsel for all parties shall be responsible for making all
23 previously unmarked copies of the designated material in their possession or control with
24 the specific designation.

25 3. All information produced or exchanged in the course of this case (other than
26 information that is publicly available) shall be used by the party or parties to whom the
27 information is produced solely for the purpose of this case.

28 4. Except with the prior written consent of other parties and the non-party

1 providing the Confidential Information, if applicable, or upon the prior order of this
2 Court obtained upon notice to opposing counsel, Confidential Information shall not be
3 disclosed to any person other than:

4 a. counsel for the respective parties to this litigation, including in-house
5 counsel and co-counsel retained for this litigation;

6 b. employees of such counsel;

7 c. individual parties, class representatives, any officer or employee of a
8 party, to the extent deemed necessary by Counsel for the prosecution or defense of this
9 litigation;

10 d. consultants or expert witnesses retained for the prosecution or
11 defense of this litigation, provided that each such person shall execute a copy of the
12 Certification annexed to this Order as Exhibit "A" (which shall be retained by counsel to
13 the party so disclosing the Confidential Information and made available for inspection by
14 opposing counsel during the pendency or after the termination of the action only upon
15 good cause shown and upon order of the Court) before being shown or given any
16 Confidential Information;

17 e. any authors or recipients of the Confidential Information;

18 f. the Court, Court personnel, and court reporters; and

19 g. witnesses (other than persons described in paragraph 6(e)). A witness
20 shall sign the Certification before being shown a confidential document. Confidential
21 Information may be disclosed to a witness who will not sign the Certification only in a
22 deposition at which the party who designated the Confidential Information is represented
23 or has been given notice that Confidential Information shall be designated "Confidential"
24 pursuant to paragraph 2 above. Witnesses shown Confidential Information shall not be
25 allowed to retain copies.

26 5. Any persons receiving Confidential Information shall not reveal or discuss
27 such information to or with any person who is not entitled to receive such information,
28 except as set forth herein.

1 6. Unless otherwise permitted by statute, rule or prior court order, papers filed
2 with the Court under seal shall be accompanied by a contemporaneous motion for leave
3 to file those documents under seal, and shall be filed consistent with the court's
4 electronic filing procedures in accordance with Local Rule IA 10-5. Notwithstanding any
5 agreement among the parties, the party seeking to file a paper under seal bears the
6 burden of overcoming the presumption in favor of public access to papers filed in court.
7 *Kamakana v. City and County of Honolulu*, 447 F.2d 1172 (9th Cir. 2006); *Pintos v.*
8 *Pac. Creditors Ass'n*, 605 F.3d 665, 677-78 (9th Cir. 2010), and *Center for Auto Safety*
9 *v. Chrysler Group, LLC*, 809 F.3d 1092, 1097 (9th Cir. 2016).

10 7. A party may designate as "Confidential" documents or discovery materials
11 produced by a non-party by providing written notice to all parties of the relevant
12 document numbers of other identification within thirty (30) days after receiving such
13 documents or discovery materials. Any party or non-party may voluntarily disclose to
14 others without restriction any information designated by that party or non-party as
15 confidential, although a document may lose its confidential status if it is made public.

16 8. If a party contends that any material is not entitled to confidential treatment,
17 such party may at any time give written notice to the party or non-party who designated
18 the material. The party or non-party who designated the material shall have twenty-five
19 (25) days from the receipt of such written notice to apply to the Court for an order
20 designating the material as confidential. The party or non-party seeking the order has the
21 burden of establishing that the document is entitled to protection.

22 9. Notwithstanding any challenge to the designation of material as
23 Confidential Information, all documents shall be treated as such and shall be subject to
24 the provisions hereof unless and until one of the following occurs:

25 a. the party or non-party claims that the material is Confidential
26 Information withdraws such designation in writing; or

27 b. the party or non-party who claims that the material is Confidential
28 Information fails to apply to the Court for an order designating the material confidential

1 within the time period specified above after receipt of a written challenge to such
2 designation; or

3 c. the Court rules the material is not confidential.

4 10. All provisions of this Order restricting the communication or use of
5 Confidential Information shall continue to be binding after the conclusion of this action,
6 unless otherwise agreed or ordered. Upon conclusion of the litigation, a party in the
7 possession of Confidential Information, other than that which is contained in pleadings,
8 correspondence, and deposition transcripts, shall either (a) return such documents no
9 later than thirty (30) days after conclusion of this action to counsel for the party or non-
10 party who provided such information, or (b) destroy such documents within the time
11 period upon consent of the party who provided the information and certify in writing
12 within thirty (30) days that the documents have been destroyed.

13 11. The terms of this Order do not preclude, limit, restrict, or otherwise apply to
14 the use of documents at trial.

15 12. Nothing herein shall be deemed to waive any applicable privilege or work
16 product protection, or to affect the ability of a party to seek relief for an inadvertent
17 disclosure of material protected by privilege or work protection. Nothing herein and no
18 future, voluntary act by the United States, such as attending a deposition noticed by
19 another party, shall constitute an alteration or waiver of the Court's Order (ECF No. 99)
20 staying discovery as to Defendant United States.

21 13. Any witness or other person, firm or entity from which discovery is sought
22 may be informed of and may obtain the protection of this Order by written advice to the
23 parties' respective counsel or by oral advice at the time of any deposition or similar
24 proceeding.

1 14. This Protective Order does not preclude or limit the existing rights and
2 authorizations, such as a routine use, that the government otherwise has to access and
3 disclose information and records that may be subject to the Privacy Act or other
4 protection or privilege.
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7 Dated: January 20, 2025

8 MCMENEMY | HOLMES PLLC
9 1645 Village Center Circle, Suite 291
Las Vegas, Nevada 89134

Dated: January 13, 2025

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10
11
12 /s/ Dustun H. Holmes

13 Dustun H. Holmes, Esq., #12776
14 Ian M. McMenemy, Esq., #13190

/s/ Jason K. Axe

JASON K. AXE
Assistant United States Attorney
Attorneys for Defendant

15
16
17 **ORDER**

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19 IT IS SO ORDERED.

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21 
22 UNITED STATES DISTRICT JUDGE

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24 DATED: January 24, 2025.
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EXHIBIT "A"

CERTIFICATION

I hereby certify my understanding that Confidential Information is being provided to me pursuant to the terms and restrictions of the Protective Order filed January 20, 2025, in *Manansingh, et al. v. United States, et al.*, Case No. 2:20-cv-01139-DWM.

I have been given a copy of that Order and read it. I agree to be bound by the Order. I will not reveal the Confidential Information to anyone, except as allowed by the Order. I will maintain all such Confidential Information – including copies, notes, or other transcriptions made therefrom – in a secure manner to prevent unauthorized access to it. No later than thirty (30) days after the conclusion of this action, I will return the Confidential Information – including copies, notes, or other transcriptions made therefrom – to the counsel who provided me with the Confidential Information. I hereby consent to the jurisdiction of the United States District Court for the purpose of enforcing the Protective Order.

DATED: _____.
